

ESTTA Tracking number: **ESTTA715623**

Filing date: **12/18/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Church & Dwight Co., Inc.		
Entity	Corporation	Citizenship	Delaware
Address	500 Charles Ewing Blvd. Ewing, NJ 08628 UNITED STATES		

Attorney information	Brooks R. Bruneau FisherBroyles, LLP 100 Overlook Center Second Floor Princeton, NJ 08540 UNITED STATES docketing@fisherbroyles.com, brooks.bruneau@fisherbroyles.com, denise.mcculloch@fisherbroyles.com Phone:609 454-6772
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### Registration Subject to Cancellation

Registration No	3919666	Registration date	02/15/2011
Registrant	Nedboy, Robin L. Suite 2320 New York, NY 10165 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 003. First Use: 2002/11/01 First Use In Commerce: 2002/11/01  
All goods and services in the class are cancelled, namely: Bath soaps in liquid, solid or gel form; Fragrances for personal use; Household cleaning preparations; Non-medicated skin care preparations; Room fragrances

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	FNL Tropical Paradise Petition for Cancellation.pdf(20685 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/brooks r. bruneau/
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Name	Brooks R. Bruneau
Date	12/18/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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CHURCH & DWIGHT CO., INC.	:	
	:	Cancellation No.:
Petitioner	:	
	:	Registration No.: 3919666
	:	Filing Date: July 1, 2010
v.	:	Registration Date: February 15, 2011
	:	
	:	Mark: TROPICAL PARADISE
ROBIN L. NEDBOY	:	
	:	
Respondent.	:	
	:	
	:	
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**PETITION FOR CANCELLATION**

Church & Dwight Co., Inc., a corporation of the State of Delaware, with a business address of 500 Charles Ewing Blvd., Ewing, New Jersey 08628 (hereinafter “Petitioner”) believes that it is being damaged by the registration of the mark TROPICAL PARADISE for “bath soaps in liquid, solid or gel form; fragrances for personal use; household cleaning preparations; non-medicated skin care preparations; room fragrances” as set forth in Registration No. 3919666 filed July 1, 2010 and registered on February 15, 2011, and hereby petitions the Trademark Trial and Appeal Board to cancel said registration.

As grounds for this Petition for Cancellation, it is alleged that;

1. Petitioner is the owner of the U.S. Trademark Application Serial No. 86766959 for the mark “TROPICAL PARADISE” sought to be registered in connection with “laundry detergent; fabric softeners; anti-static dryer sheets; scent boosters,” in Class 3.

2. On November 20, 2015 Petitioner’s Application Serial No. 86766959 for TROPICAL PARADISE was refused registration by the Examining Attorney under Trademark Act Section 2(d), citing U.S. Trademark Registration No. 3919666 for “TROPICAL PARADISE.”

3. Upon information and belief developed by Petitioner through an investigation of Respondent, Petitioner asserts that Respondent has abandoned all use of the mark TROPICAL PARADISE in connection with all the goods listed in U.S. Registration No. 3919666.

4. Such abandonment was intentional, and based upon Petitioner’s investigation, Respondent has no intention to resume use of said mark.

5. Petitioner is being damaged by the continuous maintenance on the Principal Register of Registration 3919666 in that the Respondent is maintaining registration of TROPICAL PARADISE when use of the mark has been abandoned in connection with all the goods listed in that registration, with no intention to resume use, and is therefore preventing the lawful registration of Petitioner’s TROPICAL PARADISE trademark sought to be registered by the United States Trademark Application Serial No. 86766959.

6. Continued maintenance of U.S. Registration No. 3919666 on the Principal Register damages Petitioner’s ability to secure the right to register its TROPICAL PARADISE trademark, which is an ongoing source of damage to Petitioner.

**WHEREFORE**, Petitioner, Church & Dwight Co., Inc., requests that Registration No. 3919666 be Canceled and stricken from the Principal Register of the United States Trademark Office.

Respectfully submitted:

**CHURCH & DWIGHT CO, INC.**

Date: December 18, 2015

BY: /Brooks R. Bruneau/  
Brooks R. Bruneau, Esq.  
Attorney for Petitioner  
FISHERBROYLES, LLP  
100 Overlook Center  
Second Floor  
Princeton, NJ 08540  
Tel: 609-454-6772

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this Petition for Cancellation was electronically filed with the Trademark Trial and Appeal Board this 18th day of December, 2015.

/Brooks R. Bruneau/

(Signature)

December 18, 2015

(Date of Signature)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Petition for Cancellation was served upon Respondent, via First Class Mail, postage prepaid, on this 18<sup>th</sup> day December 2015, addressed as follows:

ROBIN L. NEDBOY  
60 E. 42nd St., Ste 2320  
New York, New York 10165-6209

**CHURCH & DWIGHT CO., INC.**

Date: December 18, 2015

BY: /Brooks R. Bruneau/  
Brooks R. Bruneau, Esq.  
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